



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 7, 2009

Date of Meeting: May 5, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:48 p.m., on Tuesday, May 5, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero
Rodney Glassman
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Letcher
Michael Rankin
Deborah Rainone

City Manager
City Attorney
Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Charlie Knapp, Catholic Diocese of Tucson, after which the Pledge of Allegiance was led by Junior Miss Poppy Dorothy Hanley.

Presentations:

- a. Mayor Walkup proclaimed May 1 and 2, 2009, to be “American Legion Auxiliary Memorial Poppy Days.” Helen Glass, Casas Adobes American Legion Post 73, accepted the proclamation and presented a certificate of appreciation to the Mayor and City of Tucson for support of the program.
- b. Mayor Walkup proclaimed May 3 to 9, 2009, to be “Elks National Youth Week.” Francis Hydock, Tucson Elks Lodge #385, accepted the proclamation and presented an application to Mayor Walkup to join the Elks Lodge.
- c. Mayor Walkup proclaimed May 7, 2009, to be “Tucson National Children’s Mental Health Awareness Day.”
- d. Mayor Walkup, assisted by Wendy Scheder, presented certificates as Honorary Citizens to the following students from China: Shuang Qiu, Jian Chen, Qipeng Sun, and Muwei Zheng.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 232, dated May 5, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Uhlich invited the public to join her and the Oracle Area Revitalization Plan Citizen Steering Committee and the new Gateway Business Alliance in a Historical Tour of Miracle Mile and the Oracle Road Corridor on May 9, 2009.
- b. Council Member Trasoff announced seventy-five to two hundred people gathered weekly, on Mondays at Maynards Market downtown, to walk or run a three-mile course through downtown Tucson. She said it was a fabulous and free event.
- c. Council Member Glassman announced he would be performing with the Arizona Symphonic Winds at the Udall Center on May 16, 2009, and with the Tucson Pops Orchestra at Reid Park on May 17, 2009.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 233, dated May 5, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, thanked the Mayor and Council for the recent budget meetings with their staff.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 234, dated May 5, 2009, was received into and made part of the record. He asked the Chief Deputy City Clerk to read the Liquor License Agenda.

b. New License(s)

1. QuikTrip #1490, Ward 5
2345 E. Irvington Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 23-09
Action must be taken by: May 15, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

This item was considered separately.

c. Special Event(s)

1. Our Lady of Lavang Parish, Ward 5
800 S. Tucson Blvd.
Applicant: Anton Trung Tran
City T27-09
Date of Event: May 23, 2009 - May 24, 2009
(Vietnamese fundraising festival)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

5. LIQUOR LICENSE APPLICATIONS

b. New License(s)

1. QuikTrip #1490, Ward 5
2345 E. Irvington Rd.
Applicant: Kelly Paul Vaughan
Series 10, City 23-09
Action must be taken by: May 15, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

Deborah Rainone, Chief Deputy City Clerk, announced the first application to be considered separately was item 5b1, QuikTrip #1490, located in Ward 5.

Council Member Leal stated this request was reviewed with his staff and neighborhoods. He said he felt it was not an inappropriate request and recommended it move forward for approval.

It was moved by Council Member Leal, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

c. Special Event(s)

1. Our Lady of Lavang Parish, Ward 5
800 S. Tucson Blvd.
Applicant: Anton Trung Tran
City T27-09
Date of Event: May 23, 2009 - May 24, 2009
(Vietnamese fundraising festival)

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

Deborah Rainone, Chief Deputy City Clerk, announced the next application to be considered separately was item 5c1, Our Lady of Lavang Parish, located in Ward 5.

Council Member Leal stated his staff spoke with the people adjacent to Our Lady of Lavang Parish. He said he thought the special event request was not something that placed the community at risk, and recommended it move forward for approval.

It was moved by Council Member Leal, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5c1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Ken Scoville voiced his concerns about saving the Ghost Ranch Lodge building.
- b. Carl Willcoxson spoke about the photo radar enforcement cameras and asked citizens to drive the speed limit.
- c. Joseph Sweeney spoke about immigration impacts on the community.
- d. Yolanda Herrera, President, SNAPP (Southside Neighborhood Association Presidential Partnership), thanked Council Member Leal and Mayor Walkup for their support shown at the SNAPP Town Hall. She also spoke in opposition to the proposed liquor license for QuikTrip.
- e. Steve Valencia, Chair, Tucson Coalition of Jobs with Justice, spoke in support of the City of Tucson employees and American Federation of State, County and Municipal Employees (AFSCME) Union. He also spoke in opposition to any proposed furloughs for City employees.

7. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the Chief Deputy City Clerk to read the Consent Agenda.

A. APPROVAL OF MINUTES

1. Report from City Manager MAY5-09-245 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on February 10, 2009.

B. ELECTION: CALLING A PRIMARY ELECTION ON SEPTEMBER 1, 2009 AND A GENERAL ELECTION ON NOVEMBER 3, 2009

1. Report from City Manager MAY5-09-236 CITY-WIDE
2. Ordinance No. 10660 relating to elections; pursuant to the provisions Tucson Charter Chapter IV, Section 1(20) and Chapter XVI, Section 6, and of Arizona Revised Statutes Section 16-204, calling the September 1, 2009 City Primary Election and the November 3, 2009 City General Election.

C. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO HOUGHTON ROAD FROM I-10 TO TANQUE VERDE ROAD

1. Report from City Manager MAY5-09-237 WARDS 2 AND 4
2. Resolution No. 21275 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 3 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Project: improvements to the Houghton Road/Old Vail Road intersection; and declaring an emergency.

D. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF BUS PULLOUTS

1. Report from City Manager MAY5-09-238 WARDS 1, 3 AND 4
2. Resolution No. 21276 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for implementation of the Transit Corridor Bus Pullouts Package 5 Project; and declaring an emergency.

E. INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SAM HUGHES ELEMENTARY SAFE ROUTES TO SCHOOL ENHANCEMENT PROJECT

1. Report from City Manager MAY5-09-239 WARD 6
2. Resolution No. 21277 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the Sam Hughes Elementary Safe Routes to School Enhancement Project; and declaring an emergency.

F. AGREEMENT RENEWAL: WITH THE ARIZONA WATER BANKING AUTHORITY FOR STORAGE OF CENTRAL ARIZONA PROJECT WATER

1. Report from City Manager MAY5-09-240 OUTSIDE CITY
2. Resolution No. 21278 relating to water; approving and authorizing an Agreement with the Arizona Water Banking Authority to store Central Arizona Project Water at the Central Avra Valley Storage and Recovery Project (CAVSARP) and the Southern Avra Valley Storage and Recovery Project (SAVSARP); and declaring an emergency.

G. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH THE EL RIO SANTA CRUZ NEIGHBORHOOD HEALTH CENTER, INC. FOR PROPERTY WITHIN THE CAMPUS OF THE EL PUEBLO NEIGHBORHOOD CENTER

1. Report from City Manager MAY5-09-241 WARD 5
2. Ordinance No. 10661 relating to Real Property; authorizing and approving the lease agreement of vacant land located in the campus of the El Pueblo Neighborhood Center at Old Nogales Highway and Thoroughbred Road with the El Rio Santa Cruz Neighborhood Health Center, Inc.; and declaring an emergency.

H. AGREEMENT AMENDMENT: WITH THE DOWNTOWN TUCSON PARTNERSHIP BUSINESS IMPROVEMENT DISTRICT FOR ENHANCED SERVICES

1. Report from City Manager MAY5-09-247 CITY-WIDE

Staff has requested this item be continued.

I. MEMORIAL: URGING THE ARIZONA GOVERNOR AND LEGISLATURE TO MAINTAIN OR INCREASE THE ORIGINAL 2008-2009 STATE BUDGET FUNDING LEVEL IN SUPPORT OF EDUCATION

1. Report from City Manager MAY5-09-251 CITY-WIDE
2. A Memorial relating to education; asking the Arizona Governor and Legislature to maintain or increase the original 2008-2009 state budget funding level in support of education.

J. POLICE: APPROVING THE APPOINTMENT OF THE POLICE CHIEF FOR THE CITY OF TUCSON

1. Report from City Manager MAY5-09-248 CITY-WIDE
2. Ordinance No. 10665 relating to the Tucson Police Department; approving the appointment of Roberto Villaseñor as the City of Tucson Chief of Police; fixing compensation; and declaring an emergency.

Item J was considered separately at the request of Vice Mayor Romero.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through J, with the exception of Item H, which was continued, and Item J, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Consent Agenda Items A through J, with the exception of Item H, which was continued, and Item J, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM J

J. POLICE: APPROVING THE APPOINTMENT OF THE POLICE CHIEF FOR THE CITY OF TUCSON

1. Report from City Manager MAY5-09-248 CITY-WIDE

2. Ordinance No. 10665 relating to the Tucson Police Department; approving the appointment of Roberto Villaseñor as the City of Tucson Chief of Police; fixing compensation; and declaring an emergency.

Deborah Rainone, Chief Deputy City Clerk, announced this item was being considered separately at the request of Vice Mayor Romero.

Vice Mayor Romero stated she asked that the item approving the appointment of the new Chief of Police on the Consent Agenda be pulled and considered separately. She said she felt it was too important of an appointment to the City of Tucson, the community and the residents, to not give it the proper attention it deserved. She welcomed Assistant Chief of Police, Roberto Villaseñor, graduate of Palo Verde High School and employee of the City of Tucson since 1987, as the new Chief of Police. She thanked him for stepping up to fulfill his new duties.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Consent Agenda Item J, approving the appointment of Assistant Chief Roberto Villaseñor as the new Chief of Police for the City of Tucson.

Vice Mayor Romero asked Assistant Chief Villaseñor if he would like to make any comments.

Assistant Chief Villaseñor asked the Mayor and Council to vote “yes” so his new position would be official. He thanked the Mayor and Council for the level of support and faith they demonstrated in appointing him to that position. He said it was with a great sense of humility and determination that he would take the position. He said he recognized the charge the Mayor and Council had given him, which was to; serve as Chief of Police in leading the men and women of the Tucson Police Department, both commissioned and missioned, serve all of the residents of the City of Tucson and all aspects of the community, provide public safety for all of those aspects of the community equally. Assistant Chief Villaseñor said he took his appointment seriously and would do his best to make them proud.

Mayor Walkup asked Assistant Chief Villaseñor to remain standing for the roll call vote.

Council Member Scott asked Lieutenant Rick Wilson, Tucson Police Commanders Association, if he would like to say a few words.

Lieutenant Rick Wilson, Tucson Police Department, said he was representing the Tucson Police Command Association and expressed support for the selection of Assistant Chief Villaseñor as the new Chief of Police. He said, as an Assistant Chief of Police, Assistant Chief Villaseñor, had successfully led each of the four bureaus of the Tucson Police Department. He said Assistant Chief Villaseñor had been actively involved in many community organizations, law enforcement affiliations, and his training experience and education had prepared him to lead the Tucson Police Department into the future. He

said the Tucson Professional Police Managers, comprised of the ranks of Lieutenant and above, felt the City Manager's Office had made an excellent selection. He commented that they strived in making Assistant Chief Villaseñor's vision for the Police Department and the City of Tucson a reality and looked forward to his leadership. He said they had confidence in the citizens and leaders of Tucson, who would appreciate his professionalism, abilities, and sincere concern for and commitment to the community.

Larry Lopez, Tucson Police Department, said he was speaking from his heart. He said they all went through the process the last few months and came across some stumbling blocks, but they were able to get through it. He said the panel board for the Chief's process consisted of ten police officers, represented by Patrol, Detective, and Administration Divisions. He said upon completing the interviews, it was a consensus across the board that Assistant Chief Villaseñor was the right selection for the job.

Mr. Lopez said he had the honor of working with Assistant Chief Villaseñor, who was the labor liaison for their group for a few years, and knew him well. He said Assistant Chief Villaseñor was fair, a man of integrity, and he led the organization during the toughest times they had dealt with when it came to the economy and the situations they were dealing with in the Police Department. He said there was no doubt that Assistant Chief Villaseñor was the right selection for the job.

Mr. Lopez said there were no reservations and he hoped Assistant Chief Villaseñor would receive the votes from the Mayor and Council. He said he would not hold it against him that he attended Palo Verde High School, but that it was the right choice. He said they were looking forward to working with Chief Villaseñor, continuing and getting through the things they need to get through within the next eighteen months to two years.

Council Member Scott said she also wanted to add her personal support to the appointment. She said she would be voting "yes," and so Assistant Chief Villaseñor had one vote. She said Assistant Chief Villaseñor had been highly recommended by all. She said he had gone through the process, and her only regret was that for someone who was born and raised in the Tucson area, did not live within the City limits of Tucson, he and his family were now forced, by the majority vote of the Mayor and Council, to move from their home, where they had lived for a long time, into the City limits of Tucson. She said she did not support that concept at the time and felt it was unreasonable. She said his talent and dedication would have to take superiority over anywhere he lived. She said that was her only regret and thanked him for stepping up to the plate to help them.

Council Member Uhlich congratulated Assistant Chief Villaseñor and said she supported the nomination and applauded the nine internal applicants who applied for the position as well. She said it was clear they had an outstanding Police Department with leadership that should be commended. She said she specifically wanted to thank Assistant Chief Villaseñor for reaching out and having a good conversation with her prior to his appointment. She appreciated having the chance to speak with him about his deep roots in the community, his distinguished service with the Tucson Police Department, his

appreciation for the diversity and rich culture of Tucson, and his intentions in making sure the Department reflected that diversity at all levels.

Council Member Uhlich said Assistant Chief Villaseñor's sincerity and commitment clearly showed and it impressed her greatly. She said she also appreciated the chance in working together, and making sure they applied the City's available resources in the best way possible to safeguard the public. She congratulated Assistant Chief Villaseñor and thanked him for his service.

Council Member Glassman said he wanted to echo Vice Mayor Romero's comments on the importance of hiring Assistant Chief Villaseñor as the Chief of Police, the highest ranking Public Safety Official in the community, alongside the Chief of the Tucson Fire Department. He said he was pleased with the recommendation the process brought. He said Assistant Chief Villaseñor had taken the time over the weekend, and spoke with all the Council Members about any concerns and feedback they had. He said one of the things that impressed him the most about Assistant Chief Villaseñor was his willingness and commitment to embrace the policies and visions of the Mayor and Council. Council Member Glassman said, as Assistant Chief Villaseñor moved forward, enforcing the letter and the spirit of the law, they had a Chief of Police who was committed to the policy decisions of the Mayor and Council and who looked forward to working with all of the members of the City of Tucson. He congratulated and thanked Assistant Chief Villaseñor.

Council Member Trasoff said she was delighted to have him joining them and taking over as Chief of Police, but she believed they would be remiss if they had not acknowledged the fact that it was also a family decision, which included his wife and children, and he had strong family support. She said it was a major job he accepted, and while they thanked him, she felt it was also incumbent on them to thank his family for their understanding, on so many levels, because it was a major endeavor. She said they were delighted to have his family there, with the support of the Mayor and Council.

Council Member Leal said sometimes people wanted a job when it was easy or when times were really great, but when times were not great and things were complicated, it gave the average bear a great deal of pause and trepidation. He said Assistant Chief Villaseñor had an enthusiasm that did not come from a diluted giddiness, but an enthusiasm that came from caring, embracing the challenge, and wanting to take community policing further. Council Member Leal said Assistant Chief Villaseñor understood something that he felt the Mayor and Council and others did not understand in the past-that community policing was also a relationship with the Mayor and Council, not just neighborhoods, because they were sort of the quintessence of all that. He said these were some of the things that gave them an enthusiasm about seeing how they could work together in the months and years to come, because they really were in difficult times. He said it took two kinds of sensibilities; the sensibility of the tough cop, but the sensibility of someone who understood things more profoundly so they could have their eye to the horizon.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Consent Agenda Item J was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup addressed Chief Villaseñor and said that with the Mayor and Council's vote, they had appointed a Chief of Police for the best police force in the country.

8. PUBLIC HEARING: TUCSON CODE: AMENDING (CHAPTER 23) THE *LAND USE CODE* RELATING TO MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS

Mayor Walkup announced City Manager's communication number 249, dated May 5, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code* relating to Motor Vehicle and Bicycle Parking Requirements. He said staff would make a brief presentation.

Albert Elias, Department of Urban Planning and Design Director, said the goal, with respect to the *Land Use Code* amendment, was to try to remove obsolete zoning barriers that prevented them from better utilizing existing buildings. He said they were also trying to provide flexible solutions for reductions in parking that were currently required for both existing and new buildings. He said the way they would try to do that was to replace low use parking with better utilization of land and buildings. Mr. Elias said the idea was to better utilize valuable land, particularly where that could be done without creating nuisance situations. Mr. Elias said during the process, they had made numerous adjustments to the ordinance being presented that evening. He said they addressed numerous issues raised by the Planning Commission, as well as other stakeholders, including members of the Committee on Disability Issues, with whom they met and tried to work through a few more issues. Mr. Elias concluded his remarks by saying the ordinance was responsive to a number of concerns that came up during the process and looked forward to the opportunity to use it over the course of the next year. He said the ordinance was to sunset in one year, so they would be able to utilize it for only a year, and test the concept. He said if they had any particular challenges, those would be identified, and they would have the opportunity to adjust them.

Mayor Walkup said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations.

Ruth Beeker said she strongly supported the long-range revision of parking requirements to better match current and future needs of the community. She said she did not support the short-range ordinance they were considering. She said she attended every meeting possible and found the process and product was flawed. She said during the process, all interested parties never sat down together as a group to discuss the need for, and the best solutions to, those real problems. Ms. Beeker said she was told the initiative was an outgrowth of the revision of the Certificates of Occupancy. She said the current parking regulations were a deterrent to rehabilitating vacant commercial sites, and she was amazed at how they got from there to Section 3 of the ordinance, relating to individual parking plans, which could be applied to projects such as new developments, religious sites, and elderly housing. She said each of the five uses in Section 3 differed widely with its unique ramifications for neighborhoods, none of which were brought up for discussion as far as she knew.

Ms. Beeker said she had been assured she should not be concerned about the ordinance; as it required mitigation plans and had a sunset clause. She said she had been at the microphone before, regarding mitigation plans, expressing her concerns that mitigation occurred between well-meaning volunteer citizens and knowledgeable building professionals. She said it was not an even playing field, unless the City was to provide technical assistance to the neighbors, and the likelihood of that occurring seemed remote. Ms. Beeker said neighbors should not be expected to be gatekeepers for the City of Tucson and its *Land Use Code*.

Ms. Beeker said, as for sunset clauses, placing an ordinance on the books certainly gave it legitimacy. When the sunset date came, the likelihood of the content surviving was great, because people assumed it was properly vetted when first considered. She said this certainly was not true of the ordinance that was before the Mayor and Council. Ms. Beeker said she found it ironic that, at the same time the City was paying Clarion Associates to simplify the *Land Use Code*, they were considering an ordinance that was so far-reaching. She said if the Mayor and Council felt committed to respond to short-term solutions to parking regulations for older commercial sites, which certainly were in her neighborhood and along major streets, she would ask them to narrow the ordinance to address those problems and to eliminate Section 3; individual parking plans, entirely. She asked that direction then be given to the long-term revision of the parking requirements and regulations, to ensure that task would be done in a much more transparent, thorough, collaborative, and comprehensive manner. She said there was a need to review the parking requirements, but did not believe it had been done very well.

Michael Guymon, Executive Director of Metropolitan Pima Alliance, said he thought it was a positive step for small businesses in Tucson, particularly those existing businesses along many of the corridors within the urban environment. He encouraged the Mayor and Council to support these amendments and agreed with Ms. Beeker, that the amendments came about as a part of discussions that started a little over one year ago, pertaining to the Certificate of Occupancy. He said it was done through the work of the stakeholders and Council Member Trasoff, who looked at streamlining the Certificate of

Occupancy process, ultimately culminating in the advent of the Application Certificate of Occupancy, which he said the Mayor and Council adopted in October 2008, and took effect on October 15, 2008. He said at that point in time, there were discussions about taking the next step, which was a positive step, and carry it forward, into what many felt to be the root of the problem, which was the parking regulations within the *Land Use Code*. He said it was sent to the group created by the Mayor and Council, which was, by the way, a diverse group, and were reviewing the entire *Land Use Code* process. He said they particularly reviewed the Clarion Associates reformatting of the *Land Use Code*, but also reviewed the Infill Incentive District, which he believed had been discussed before, and the amendments the Mayor and Council had before them.

Mr. Guymon said there were three main elements he wanted to single out. One was the ability to use a prior use. He said that was very positive and something they felt was beneficial, especially through the Certificate of Occupancy process. He said it would reduce the parking ratios; whereby many of the uses went from one space per two hundred square feet, to one space per three hundred thirty-three square feet. He said he felt those numbers were not arbitrarily selected. Secondly, he said they reviewed a number of Codes throughout the country, which identified that Smart Growth initiatives were going towards ways to take into account mass transit lines and other modes of transportation that would effectively reduce the need for parking. He said the third element was the parking mitigation plan, which had already been mentioned.

Mr. Guymon said there were some concessions, as the amendments were discussed with a variety of other stakeholders. He said bars and restaurants were excluded, but believed the parking mitigation plan was to be reviewed, every year, for the first three years. He said he felt the steps taken were important in trying to come to some middle ground. He said he was not arguing that it was the “end all,” but they were going through a reformatting process to the *Land Use Code*, which was very encouraging. He stated they probably could identify other needs within the *Land Use Code* that needed to be streamlined and amended, but felt it was a positive step in the right direction.

Mr. Guymon thanked the Mayor and Council, particularly Council Member Trasoff, for bringing the item to the forefront and said he hoped it would be resolved. He said Mr. Elias had reminded him of the sunset clause, and he encouraged the Mayor and Council not to place a sunset clause on the item, as he believed it had been vetted properly, and would continue to be vetted over its course. He said he preferred a one-year review as opposed to an all-out sunset, and encouraged the Mayor and Council to support the amendments.

Victoria Kinghorn said she lived near the intersection of Grant Road and Campbell Avenue, in the Samos Neighborhood. She said she dealt with a twenty-four hour establishment that had a Certificate of Occupancy of about ninety-one and a parking lot of about twenty-five. She believed her circumstances would resemble much of what many people would experience in neighborhoods that were close to businesses, if it passed. She asked the Mayor and Council to imagine ninety cars driving around in their neighborhoods at eleven o'clock at night, when they were trying to sleep, with loud

stereos, car alarms, cruising, looking, honking, talking, and trying to find a parking space. She said she had seen a decline in her neighborhood over the past seven years, from a nice neighborhood that was close to shops and restaurants, giving it a nice convenient feel, to something that really was not very pleasant. She said many nights of sleep were lost, due to traffic that interfered into the neighborhoods. She believed that her home value had been lowered as a result of it, because no one would want to live there, except for college students who were renting and partying.

Ms. Kinghorn implored the Mayor and Council not to impose the amendments, because from her years of research in trying unsuccessfully to get something changed, one could “zone up,” but one could never “done down.” She said the cars went through the neighborhoods, ruining their peace, the right to the pursuit of liberty and happiness. She said they were not able to go back, but it opened the door for unscrupulous business owners to capitalize and take advantage of people who were trying to keep their homes, pay their mortgages, or pay their rent. She said in economic times of today, she did not need to find ways to sell her home or move out of Tucson, and while it may not affect her, because she felt her situation was unique, she would not wish that upon anyone else. She said regardless of whether the ordinance passed or not, as she would not be affected one way or the other, she would not wish anyone having to live with what she was living with. She asked the Mayor and Council to consider not passing the ordinance and thanked them for the opportunity to speak.

Colette Altaffer said she had attended the last Water/Wastewater meeting, when Val Little, Director of Water Casa, made an interesting statement. She said that Ms. Little said the day would come, when Tucson residents would have to reduce their water consumption to thirty-five gallons per person, per day. Ms. Altaffer said the information came as quite of a shock as one could imagine, when one lived in a community where the average water consumption was around one hundred-sixty gallons per day. She said after reflecting back on the information, the “can do” spirit, which so many of the neighbors possessed, surfaced, and she thought, yes, they could do that. Then she read the parking reduction ordinance and realized, no they could not. Ms. Altaffer said the ordinance exemplified much of what was wrong about Tucson’s politics.

Ms. Altaffer said from the moment a special interest group was given exclusive access during the drafting of the ordinance, to the way neighbors were excluded from the process until the public hearing phase began, to the mockery that was made of transparency, then that same special interest group asked staff to modify the document after the public hearing closed. The flawed process meant they failed to adequately address issues such as bars and restaurants that were located in strip malls, and how parking reductions affected shared parking arrangements. It meant that property owners would not update landscaping or stormwater retention, and people would continue to delude themselves into believing that old, energy inefficient buildings were green buildings. She said the issues of parking and code changes paled in comparison to the prospect of water, food, and fuel shortages. When that day arrived, they would need the full support of the entire community, if they had any hope of keeping Tucson viable. She said if the Mayor and Council voted their support for the parking reduction ordinance,

they would be sending a clear message to neighborhoods that neighbors were not valued as investors in the community, and their contributions, creative energy, and perspectives were not welcomed. She said that would be the true failure of a “yes” vote. Ms. Altaffer said if they could not get it right, on something as basic as the parking ordinance, they would not stand a chance when water scarcity was staring them in the face.

Chris Rechlin said he thought there had been a miscommunication with the cards to address the Mayor and Council. He said he wanted to speak to them and it was the first time he ever spoke at a public hearing and he did not want to take them away from the agenda.

Mayor Walkup asked Mr. Rechlin what he wished to address.

Mr. Rechlin said he wanted to talk about a problem with the *Land Use Code*. He said he was a licensed general contractor in Tucson and was frustrated with a property that he had in Ward 3. He said he wanted to be heard by the Mayor and City Manager, because he was asking for consistency between Tucson Water and the Development Services Department. He said he was trying to build a residence for his daughter, on a particular piece of property in the City of Tucson. He paid for his permit and spent a lot of money. It had been over a year, and the permit had expired, because the City of Tucson required him to pave the access to his property, as it was an interior lot. He said the lot had a deeded access since 1972, and he was granted a permit to build on it, but Tucson Water would not give him a water meter for his property, because it was an interior lot and they did not do remote meters anymore.

Mr. Rechlin asked the Mayor and Council if there was any way they could address the need for consistency. One person said he could have a permit and that it was his property, because they wanted him to pave the area; even though it was someone else’s land, it was his easement that was dedicated to that land. However, he went to another establishment by the City of Tucson, and was told that they would not give him a meter, because it was not his property. He said he was in a bad situation and thanked the Mayor and Council for their time and apologized for the interruption.

Council Member Uhlich informed Mr. Rechlin that she had staff present and they would make sure to follow up. She said they would have Tucson Water and Development Services Department set up a meeting to follow up with him.

Mr. Rechlin said he had spoken with Annemarie Medina, Mayor’s Office, who informed him the City Manager had taken time out of his schedule to set up a meeting with Jeff Biggs, Tucson Water Director and Mr. Rechlin. He said he had been working on this for nine months and it had taken up to that day to receive an answer that they would be meeting. He said it just seemed like it fell on deaf ears and thanked the Mayor and Council.

Don Laidlaw said he was speaking in support of the proposed *Land Use Code* amendments pertaining to parking. He said in helping the Mayor and Council to reach a

decision, he would put it in a historical and philosophical perspective. He said that forty years ago, he was appointed Planning Director for the City of Tucson. Prior to that time, he watched, with interest, the development of a parking code for Chapter 23 of the Tucson Code, which was the Zoning Ordinance. He said the *Land Use Code* designation did not come along until sometime after. He said looking back to his thoughts about the new parking code, which had just taken effect when he assumed the Planning Director position, it was clear to him - and this was where the philosophy came in - it was intended to apply to new developments and actual physical re-development of sites, which was the same as new development.

Mr. Laidlaw said they generated a code that could not have conceivably been applied retroactively without hardships. The attitude amongst the Planning and Zoning Commission and the Mayor and Council was that they would not change anything as far as the existing commercial development of the community was concerned; they would just make sure as they moved forward, that things would be done right. He said he thought the gentleman who preceded him, with his own poignant story, pointed out the difficulties encountered with new regulations or policies. Mr. Laidlaw said, from a practical standpoint, he felt that Mr. Elias and his staff did a great job of bringing an ordinance that, even with a sunset clause or with some review provisions, would be a great benefit to business communities, and not so detrimental to adjoining neighborhoods.

John O'Dowd said he was the president of the Sam Hughes Neighborhood Association and had served on that board for many years. He said he was there when Sam Hughes Place was at issue, and that mixed-use development was cited so often by the Department of Urban Planning & Design as an example of wonderful, progressive planning. He said he received one complaint from them and it was about parking; they were very disturbed by the way parking had worked out there. He said that perhaps the Planning Commission might want to speak with the homeowner's association president about the mixed-use, with commercial and residential uses, and how the Homeowners Association (HOA) was formulated when the commercial developer owned the HOA and framed it to their advantage. He said those were all problems and he thought Sam Hughes Place could be a classic example of, perhaps, how not to plan a mixed-use development.

Mr. O'Dowd said his feeling about the parking reduction being presented for approval was that, being in a University neighborhood, the parking was influenced by a nine hundred-pound gorilla next door called the University of Arizona. He said they had a great number of specialized problems because of the traffic going in and out of the U of A. He said the City, in some respect, as far as he had seen, never worked with the University to help the neighborhoods mitigate their traffic and parking problems caused by that institution. He said they were especially leery of a reduction in parking for commercial districts and ventures.

Mr. O'Dowd said one thing he thought was important, and would probably be heard by them later on, was the lack of enforcement of zoning regulations. He said they

had blatant zoning violations in their neighborhood and were unable to get the City to do anything about them. He said the neighborhood would document and forward the information to their Council Member, before finding out if there were any alternate remedies. He said that if they were unable to prosecute the existing violations, and a neighbor protested the mitigation plan under the parking requirements, they virtually would be helpless with the present lack of enforcement. He said part of that, he realized, was because the Arizona Supreme Court has said, when one lost a civil infraction one had to pay attorney fees and the result was, the City Attorney did not want to file any, because they were afraid of losing and incurring attorney fees. He said the remedy was to change the statute, instead of not enforcing the ordinance.

Mr. O'Dowd said a big problem in their neighborhood, and, he thought throughout the City, was the fear of losing a civil infraction and having to pay attorney fees. He felt that should be remedied before they even considered having their neighborhood residents enforce the mitigation plans.

David Godlewski, Government Liaison, Southern Arizona Home Builders Association (SAHBA), said they had been a part of the Certificate of Occupancy process, as well as a stakeholder on the broader *Land Use Code* Advisory Group. He said one of the things heard over and over, was the issues with parking. He thought the important point was that it would help promote economic development, help small businesses in the community, and help promote adaptive reuse of existing structures. He said he thought the process had been fair and open. He stated, as an industry, he thought they needed to be cognizant of the concerns of the neighborhoods and felt the process had been mindful of that. He said they supported it and thought it would help the business community, and encouraged the Mayor and Council's support, as well.

Jason Wong said that for many months and meetings, City staff, the Planning Commission, community participants, neighborhood representatives, developers, property owners, and the Commission on Disability Issues (CODI), had worked hard to come up with a workable parking plan. He said while it might not have been perfect, it was good. He said they worked really hard and it was not perfect, but it was good. He said restaurants and bars were exempt. He said the interests of many parties, including neighborhoods, had been taken into consideration.

Mr. Wong said the parking issue was a big concern, because there were many buildings in Tucson that were blighted or not used well. He said they attracted graffiti and were not well-kept. He said by placing an amendment, they could better use those buildings, and he thought that was wonderful. He said there was a sunset to the ordinance, and if they were not doing everything right, it could be revisited. In the meantime, it gave them a great opportunity to improve the blighted or under-used buildings, and hopefully would increase tax revenue and jobs. Mr. Wong said they were trying to make Tucson look great, by not having under-used buildings, buildings with graffiti, or buildings that were not well kept. He said if they could use the buildings by decreasing the parking, then it would create a better business opportunity for everyone. He said it was not perfect, but was a great start.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the Chief Deputy City Clerk to read Ordinance 10664 by number and title only.

Ordinance No. 10664 relating to Planning and Zoning; amending certain portions of the Tucson Code, Chapter 23, Land Use Code, Article III, Development Regulations, Division 3, Motor Vehicle and Bicycle Parking Requirements, Section 3.3.311, New Uses Replacing Existing Uses; and adding Section 3.3.8.6, Existing Development Sites and Section 3.3.8.7, Individual Parking Reduction; and setting an effective date.

Council Member Trasoff said, before she made the motion, she wanted to acknowledge some of the thoughts that had been shared, because she felt it was important to do that. She said it was a process that her office had been involved with for months and months. She said when the issue first came up, there were those who were part of the earlier *Land Use Code*, who dealt with Certificates of Occupancy. Then they started talking about parking and one of the first things she consistently said throughout the process, was that they needed to look at the parking rules and regulations, but that it could never be done at the expense of the neighborhoods.

Council Member Trasoff said that after they finished with the Certificate of Occupancy, a separate group was set up to review parking, and there were at least a half dozen meetings of the group, that included neighborhood representation, as well as business representation, and City staff, with ongoing conversations. She said there were two public hearings before the Planning Commission and modifications were made to the plan based on input every step of the way. She said the process had been thorough and this was a need that was reflected in many ways in the community. She said they had many discussions about mass transit and trying to encourage alternative modes of transportation, and this was something that acknowledged their move in that direction. She said there was too much asphalt out there, that impacted the heat island effect. She said jobs were important to them, and the next public hearing was going to be about the budget and how they could encourage more jobs. Council Member Trasoff continued saying, none of those would outweigh the needs of neighborhoods and thought they had worked hard to come up with a balance that worked with the neighborhoods. She said restaurants and bars were not included and were exempt. She said similar use plans did not require mitigation when a similar business had used the very same property for the same purpose, at a time when less parking was required.

Council Member Trasoff said these were smart growth principles that were being adopted across the country. She said they were over-parked at the present and her focus was primarily in the midtown area, where she often saw buildings that people wanted to use. She said there was one in the area near Fourteenth or Fifteenth Street, where

someone wanted to have a business, but because of the warehouse space in the back, they would not have enough parking in the front, even though the space was being used as a warehouse, because the rules were so stringent. She thought they hit a good balance, but it was not perfect, as Mr. Wong stated. She gave an example of the Target on Broadway Boulevard, east of Columbus Boulevard. She said it was a major center that was a very successful Target, more so than the new Target at El Con Mall. She said the Target wanted to modify and/or expand, but they were enjoined from doing that, because in order to do that, the City would have to grant them easement and turn a City street into a parking lot. If anyone ever drove by that Target, even in the holiday season, the parking lot was never full. She said she thought there was something wrong with the way they were regulating parking. She thought the mitigation process was something that could address many of the questions. She addressed Mr. Elias, saying that if it came to mitigation, she wanted to make sure there would be something that would give support to the neighbors, so they could make their voices heard in a very strong way, if there was something impinging on their neighborhoods.

Mr. Elias, said they tried to fashion the mitigation requirements in a way that not only required an analysis to document that a nuisance was not being created, but that also included the mitigation plan be reviewed each year, to determine if any changes were needed because of an unintended problem that may have cropped up. He said it also became a more effective tool for enforcement if there was violation of a mitigation plan. He said they now would have something to look back on to say how those nuisances were mitigated and he thought they had a better enforcement tool with the mitigation plan than what they currently had. He said he thought all those things would help them deal with any nuisances that cropped up.

Council Member Trasoff said that when it came to the individual parking plan, the applicants would have to meet with their neighbors to share their plans with them. She said the applicant must show how the reductions would not cause spillover into the neighborhood. She said if City staff determined that the reduction was appropriate, then letters would go out to all the neighbors, informing them the plan was scheduled for approval. She said they would then have a chance to protest, if they chose to, before any action could be taken. Council Member Trasoff said she felt she had achieved a balance, and worked very hard for it. She said the reason for the sunset, which was alluded to by Mr. Guymon, was very important because they made every effort to do a good job with it. However, if they did not include the sunset and were to have a problem, they would run into legal constraints if they tried to repeal it, because they would have granted a right. She said by including a sunset, that right was not a given and was not granted, and it allowed the City the opportunity to fully re-explore, if necessary, any aspect or its entirety. She said she felt that was an accurate representation, and asked the City Attorney, if it was.

Michael Rankin, City Attorney, said Council Member Trasoff's statement was accurate. In fact, it was protection with respect to Proposition 207 liabilities, if there was not a provision like that in the ordinance.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10664.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich said she appreciated Council Member Trasoff's comments. She said in reviewing all the materials before them, including the results of the public hearings, she thought it was important to note that it was perfection, neither in process nor necessarily in product. She said what she was looking at was whether they took that into account and built in elements that could help them along the way to make sure they were implementing something that she thought was, in fact, important. She said Ward 3 also had a Target on Oracle Road, that had to relinquish some of its plans to pursue water harvesting and other progressive elements she said she thought the community would embrace, because of the number of parking spaces they had to integrate into their plans.

Council Member Uhlich said while what they had may be imperfect, the existing condition was outright problematic. She was glad that restaurants and bars were exempt, and the issues in Samos Neighborhood was one they could continue to work on. She said it pointed to the fact that bars and restaurants were unique and they had to attend to that in a different process and look at it more closely. She said in reviewing the materials, she thought it moved them in the direction of what was going to be a challenge for them over the coming decade, if not beyond. She said that challenge would be how to inspire more densification and infill in the urban core, because ultimately, it promoted mass transit, promoted better use of land and other limited resources, and how to balance those tensions and challenges. She said she would vote in support of the ordinance and look very closely over the coming year at what they could learn from experience.

Vice Mayor Romero said she wanted to echo what Council Member Uhlich had said. She said she felt it was important in the coming year, they looked, in terms of how the ordinance worked, and make sure there was a City person in charge who would be available to the neighborhoods, to guide them through the process and to keep them informed through the mitigation plan process. She stated she had been very clear about wanting to see a city in the future that would rely less on individual cars and more on public transit. She said she had been very clear about reusing older buildings and wanting to invest in urban core by way of infill. She said they wanted to help encourage small businesses, and any business, to invest in the urban core. She said for her, it was important they start moving in the direction of a less car-guided society and try to return to basics, in terms of how they had sustainability in the past. She said in the past, they used their cars less, and walked more to neighborhood markets and other neighborhood businesses. She said they needed to make sure they were moving in the direction of investment in the urban core, sustainability, and infill, and that the adaptive reuse of older buildings was very important for small businesses and for investing in the City of Tucson.

Vice Mayor Romero stated she would support the ordinance. She addressed Mr. Elias, saying she thought it was very important to help guide the neighborhoods and look at them and study how the program was working in the coming year. She said if there were changes, it was important they go in that direction and include the neighborhoods as much as possible in the process.

Council Member Leal said as he listened to everyone who spoke, it was a situation where, from what he heard, both sides were right. He did not mean to take away from the description of the process that Council Member Trasoff elucidated, but he thought it got at the Gordian knot nature of the dilemma. He said they should not shrink back with some paralysis of will because it was a difficult thing to figure out, and it seemed inherently oil and water, that if they did one thing, something else did not necessarily happen and if they did something else, this would not happen. He said for him, those types of dilemmas begged the question of language. They used the language of sunset, but he saw it as a pilot, and thought they wanted to learn from it, as a pilot, for the reasons the Mayor and Council had stated - to switch to mass transit, to figure out good readaptive uses of historic structures, and to make inner city neighborhoods more livable, not less livable.

Council Member Leal said that in thinking of how it should function as a pilot, he had some concerns about the one-year sunset. He said he was concerned about not receiving enough data in a year to make an intelligent decision on whether to keep it or how to amend it. He said they should be very circumspect about making significant changes, extrapolating from data that was so slight, they could not intelligently generalize from it. He said they probably decided to do a sunset for the reasons Mr. Rankin had stated, to not run up against Proposition 207 issues. He said it was good advice, but if one year was too short to receive enough data, maybe they could make it a two or three-year sunset, so they would have enough information, because at that point, they would want to do surgery and know what they were doing. He said he was offering that as a concern and he was not sure how best to change the sunset date.

Council Member Leal said the other important part had to do with the neighborhoods' ability to engage in mitigation with developers. He said Ms. Beeker rightfully said there was an unlevelled playing field between the developer or staff, and often neighborhood people. He said there were neighborhood people who were extremely informed and others who were not. He said for those who were not, he would like the City to provide a sort of "Cliff's Notes" to mitigation, a toolbox of what other neighborhoods did, that people could apply their imagination to think through the dilemma they were facing.

Council Member Leal said he knew, over time, they felt some of the pressures on the south side, before the rest of the City did. He said what came up, was they wanted to support the businesses on the arterial, but the neighbors did not want cut-through traffic. He said they dead-ended one half of the street, so the increased traffic could not go into the neighborhood, and the other half of the street was still open, so the neighbors could get out freely. He said it created a "best of both worlds" protection. He said businesses

received more business, and there was more traffic, but less of it went through the neighborhood than before they made the change.

Council Member Leal said they also changed parallel parking to perpendicular parking, where street widths and surplus right of way physically allowed it. He said it was a huge tool for neighborhoods. He said those were the only two examples that came to mind that evening, and he was certain there were others. He thought it would be helpful to have the Cliff's Notes for mitigation, to be given to the neighbors, so when they sat down to imagine solutions, they were not limited by their own personal experience. He felt the one-year sunset was too short for them to receive adequate information, to legitimate either stopping it, or knowing how to intelligently adjust it, and said he was very sure about creating the Cliff's Notes for the neighbors.

Mr. Rankin said he wanted to clarify the sunset provision that was written in the ordinance. He said the ordinance amendments would sunset on January 1, 2011, which would be about a year and a half.

Council Member Trasoff said she thought Council Member Leal raised a good point. She said they would sunset it, but they would have the ability to extend it, so they could proactively choose to extend it. She asked Mr. Elias if they could receive a quarterly update on any mitigation requests, and any concerns or problems that would arise from this. She asked Mr. Elias if he could proactively report back to them at a Study Session with updates on any problems that had arisen. She also asked Mr. Elias if he could have one central person or two, from his department, who really dealt with issue of mitigation, so if the Mayor and Council or their Aides received any phone calls or questions about that, they would know who to contact and it would allow that one person to hear all the concerns. She said it went back to what Council Member Leal said about Cliff's Notes, that if they heard of one neighborhood that had a problem and resolved it well, they could share that information with others so they could all know that. She said she was making the commitment, and from the comments she heard from her colleagues, she thought they all would revisit it; it would not just be accepted, but they would continue to have updates and make sure they were staying in touch with it.

Mr. Elias said they would certainly work with Development Services Department staff, where the *Land Use Code* amendment functions were found and would make sure they provided information to members of the public regarding mitigation plans. He said it certainly made a lot of sense to share good ideas that were effective, and they could certainly do that. He said they could also make sure that there was a clear point of contact for the public, with respect to any questions they might have about mitigation plans, because he sensed they would get the same thing from applicants who would want to use that provision, and would want to know how to get that done right or how to make sure the dialogue was fruitful during the development of the mitigation plan.

Mr. Elias said they could certainly provide updates regarding how much utilization there was of those provisions in the code. He said perhaps a year was not enough time, but they could certainly provide information to the Mayor and Council. He

thought it would give everyone a better sense of how much it was being utilized, number-wise, and also the nature of any unintended consequences.

Council Member Trasoff said one of the reasons she did not want to go beyond that was, if they did encounter a problem, she wanted to be able to know that it would end in a timely fashion, so by having a shorter date, they could always extend it if there were not any problems, and they could receive any additional information before it was extended.

Council Member Leal said the one-year sunset was an expression of their legitimate trepidation. He said the other thing he saw reflecting that trepidation was keeping restaurants connected to bars, and if, at the end, did it really made sense. He said there were several restaurants that had actual liquor licenses and they would want to keep those with the bar category. There were restaurants that served only beer and wine, and other restaurants that did not have any alcohol at all, and they may want to have a spectrum of parking requirements for those. He said if there was a restaurant that did not serve any liquor and the parking ratio one in one hundred feet, but it was on a bus stop, maybe it should be one in one hundred fifty feet. But if it was on a bus and bike route, maybe it could be one in two hundred feet, and they would make some particular judgement about that. He said he frequently visited the Epic Café on Fourth Avenue. He said it existed out of happenstance, historically. He said if it did not exist and they were in the future, it could never exist, which would be a painful irony because it was a wonderful resource for the adjacent neighborhoods. He said as he thought of how it worked for them, he would want to set it up against the hardest challenge, and that hardest challenge was whether a wonderful coffee house, like the Epic Café, could emerge from that and be something that the neighborhoods could use. He thought the only way they could get there would be if, at some point in the future, they might differentiate, and not say all restaurants were as potentially bad as bars. They would try and understand the three ways that they were different and maybe have a spectrum of parking requirements, depending on bus routes, bike lanes, etceteras. He said he was offering that as food for thought for the future.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Ordinance 10664 was declared passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2010

Mayor Walkup announced City Manager's communication number 246, dated May 5, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the City of Tucson Recommended Annual Budget for Fiscal Year 2010. He said this was the second of three public hearings. The third hearing was scheduled for Tuesday, June 9, 2009. He said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He announced the speaker cards were in random order.

Amber Smith, Governmental Relations Director, Metropolitan Pima Alliance (MPA), said at that time, MPA could not support the budget. She said they reviewed it and felt there had not been enough spending cuts. She said they recognized the situation the Mayor and Council were in. She said it was a grueling time, and their organization had to make cuts just like households and other businesses. She said they would like the City to focus first on core services and then look at secondary services. She said unfortunately it would mean that some great causes and services might have to be cut, such as KIDCO, Access Tucson, the Affordable Housing Trust Fund, and fitness classes. She said it was not up to MPA to inform the Mayor and Council where they should or should not cut, but they reviewed the budget and saw some areas that could be reduced, so that local businesses and tax payers were not further burdened by taxes and additional fees. She said they would like the City to try reprioritizing core services, such as public safety, transportation, water, and some revenue stimulating economic development. She said once that was done, they would be happy to support the budget and perhaps some reasonable additional fees, but at the time, they could not support the renter's tax.

Melanie Nelson said she was a member of Sacred Heart Parish and a leader with Pima County Interfaith Council (PCIC). She said in light of the economic meltdown in Tucson and throughout the State, they were present again to continue their research with the Mayor and Council, surrounding thoughts about an economic recovery plan for Tucson's families. She said they believed, from their neighborhood walk and hundreds of conversations in their congregations, that they must protect essential vital economic programs. She said they learned there were many hopes and fears regarding jobs, and the economy dominated predominately all the conversations. She said they committed to those families and to their congregations that they would report what they learned to the Mayor and Council, as they did in the past. She said what they heard on the streets was exactly what families needed – programs with high efficacy and low costs. She said they knew three and probably more, vital programs and agencies were essential services: JobPath, School Plus Jobs, and KIDCO.

Ms. Nelson said on their walk, they learned that some of the most vulnerable families and youths were in the School Plus Jobs high school program not only to increase their chances of graduating, but also to help their families put food on the table, and help pay the rent and mortgage. She said more than eighty percent of those students contributed a large portion to the entire family budget because of the revenue from

School Plus Jobs. She said in regards to the budget, they confronted difficult decisions about budget cuts and revenue enhancements. She said six months ago, they asked for a comprehensive review of revenue enhancements with deep public consultation. She said they were present again, to listen and research what was being proposed, what were the alternatives and compromises, and what negotiations would need to happen. She said they believed there was a bigger picture requiring an expanded vision for Tucson. She said the future of Tucson families depended on an economic recovery plan that required them to convene with businesses, real estate, other non-profits, fire fighters, police, and the Mayor and Council. She said PCIC was willing to take on that challenge with them and other community leaders.

Charles Alexander said he had the great opportunity to participate with twenty-four amazing Tucson artists in a program sponsored by the Tucson Pima Arts Council (TPAC) and conducted by Creative Capital, a national arts funding organization, which convinced him of something he was already convinced of, which was the amazing artistic resources in the City. He said they were primarily human resources, and he believed it was the Mayor and Council's responsibility, as well as his, to use Tucson's resources wisely and efficiently, so they were replenished and beneficial to all citizens. He said to do so, he hoped they would support and continue to fund arts and culture, support the bed surcharge proposal in the draft budget, and support the Tucson Pima Arts Council's continuing role as the City's designated arts and culture development agency. He said according to virtually all-national and local studies, spending in the arts was a terrific investment, returning between five dollars and nine dollars for each dollar spent. Mr. Alexander said spending in the arts benefited the residents and attracted visitors. He said to spend in the arts was humanly and financially responsible, and not to do so would be to undervalue the resources they had and to withhold some nourishment from the community. He asked the Mayor and Council to lead wisely by continuing to nourish arts and culture in Tucson.

Dan Nicolini, Executive Director of the Arizona Balalaika Orchestra, said he was speaking on behalf of continued financial support for arts in Tucson and particularly funding for the Tucson Pima Arts Council (TPAC). He said his organization benefited from project grants from TPAC for many years, which enabled them to provide superior programming. He said they hoped the support would continue, not only for them, but also for the many organizations that existed in the City, and Tucson had always been a tremendously arts-supportive community. He said his daughter asked him if he knew that Tucson was one of the few cities in the country that had its own professional symphony, opera, ballet company, and theater company. He said he responded that he did know, and Tucsonans were very proud of that, as well as the Fine Art Museum and Center for Creative Photography, the excellent drama, music, and art departments at the college and university, and literally hundreds of arts organizations in the City. He said the City's support of funding for TPAC was very important to those organizations. He said the arts were part of their culture and heritage, and continued support for the arts enhanced the diversity and culture. He encouraged the Mayor and Council to continue supporting TPAC, and said he believed the proposed bed tax was one way to do that.

Mary Martin said, being a property manager, she did not support a rental tax. She said she had seen first-hand how times were tough for people, with job losses, layoffs, and reduced work hours, not to mention limited income for so many people, especially those whose only income was social security. She asked why the Mayor and Council would they want to make it tougher on people to live, more than it already was. She said do not kick them anymore, while they were already down. She said almost fifty percent of people rented and struggled when one third or more of their income went to rent, and they had to feed their families and worry about medical bills. She asked what the Mayor and Council would do, and why they would want to stress out people more than they already were, wondering and worrying how they would make ends meet. She asked the Mayor and Council if it was right to tax shelter, and she said it was not. She said the average age of a homeless person in Arizona was nine years old. She asked why they would want to jeopardize more families to homelessness. She said they should start cutting expenses with some other salaries and give some of the money back to the City. She asked the Mayor and Council not to double tax renters, because they already paid property tax with their rent, along with utilities and other things. She asked the Mayor and Council how many of them rented, and how many of them it would affect. She asked Mayor and Council to have a heart, and thanked Council Members Leal and Glassman for not supporting the proposed rental tax.

Reuben Hart said he did not know how many of the Mayor and Council Members realized they were there to solve the community's problems; the community was not there to solve the Mayor and Council's problems. He said they all knew that benefits from Medicaid and the Arizona Health Care Cost Containment System (AHCCCS) had been reduced for those who had it, and food stamps had been cut in half, which he had experienced. He said he did not complain and was not a complainer, he was a happy person. He said when his food stamps were cut, he smiled, and when he found out the cost of his bus pass would be increased in June, he chuckled. He said he now had to pay co-pays for his medications and he grinned, and said one had to be philosophical. He said some people burned their draft cards years ago and moved to Canada, which he did not. He said he served in the military and returned broken and a complete cast out member of society, who was not on drugs, nor did he have an alcohol problem. When different things were broken and busted, required medication and nobody wanted it, he said to laugh, and asked who cared.

Mr. Hart said his patience was now at an end, because there might be three people from the Mayor and Council who were right-minded and against that rental tax, but there might be three or four members who wanted the tax to go through. He said it was crushing, outrageous and un-American. He appealed to the Mayor and Council Members who wanted to pass the rental tax and he said it was being fought hard. He said they were collecting nine thousand, five hundred signatures, and when collected, there would be a law that would not allow rent to be taxed. He said if there was a God in heaven, it would not be approved.

Rennard Turner said he lived on social security and was against the rental tax. He said the rates for electricity were recently raised and now they were proposing a rental tax. He was a renter and would be hurt by the rental tax.

Anthony Venuti said he was a businessman who published the Arizona Tourist News. He said in 1971, he was honorably discharged from the Army after spending a year in Vietnam. Having used the highest grade of heroin, three months later he found himself in a maximum-security prison for seven years. He said the first week he was there, he saw the movie entitled "The Longest Yard" and he said it was then that his cynicism for bureaucrats and politicians became paramount. He realized they were not there to help him.

Mr. Venuti said he was completely against the tourism budget allotment that was being projected for the Metropolitan Tucson Convention and Visitors Bureau (MTCVB). He said his publication had been marginalized for thirteen years by the MTCVB, and a year after he started, he was told by MTCVB not to compete with them. He said, as an entrepreneur, he looked to fill the gap in the need for information to provide the sixty-six percent of tax dollars that came from California travelers and in-state travelers, while there was a more than ten million dollar budget, fifty million dollars state-wide, for the promotion of high paid bureaucracies. He said he essentially saw their job as saying what they did in the past and what they would be doing in the future, but it seemed they did nothing. He said meanwhile, he might not print an August publication. He traveled over one thousand miles the past weekend delivering papers to hotels in Lake Havasu, Yuma, and other Arizona locations. He said it brought revenue to all parts of the state, including Tucson. He stated Jonathan Walker, MTCVB President and CEO, had rebutted him when he requested information through the Freedom of Information Act, regarding how the organization spent its money. He said he received a letter from Mr. Walker rejecting his request for budget information, but with an invitation to talk. Mr. Venuti said Mr. Walker spoke out of both sides of his mouth and wasted an hour of his time.

Mr. Venuti showed the Mayor and Council a magazine that was published by MTCVB twice a year, by a third party publisher. He said the MTCVB allowed that publisher to keep ninety percent of the revenue they could otherwise use to offset their budget. He said someone like him could handle the magazine, and the one million dollars could stay inside the City. He said there was a lot of triangulation that could be happening, profit sectors that an entrepreneur-driven, performance-based bureaucracy could generate. He suggested that the money saved could possibly go towards road improvements, so when people came to visit, from the promotions of Tucson, which was a great town, and Arizona, which was a great State, maybe they would decide to stay. He said that was unless they visited a school like he did at Utterback Middle School, where he saw teachers showing movies all day.

Mr. Venuti suggested the Mayor and Council compare the budget to a buffet served to their families on Sundays, with the main course being dog food and dessert being something found on a tray at Loews Ventana Canyon Resort. He said all fluff and no substance did not make it.

Bradley Stroup said he had lived in Tucson for eighteen years and was a retired businessman who helped start a computer company and ran it successfully for twenty years before he moved to Tucson. He said he helped found JobPath, and was present on their behalf in asking the Mayor and Council to seriously consider supporting and funding it to the maximum extent that they could. He said he had a continuing keen interest in return on investments and he urged the Mayor and Council to look at that with regards to JobPath. He said it had more than doubled the wages of the graduates, to more than twenty-seven thousand dollars per graduate, per year, more than their pre-training wages. He said it had resulted in an overall economic impact on the community of over sixteen million dollars in the previous three years. He said that one hundred seventy-one graduates directly increased their wages by 4.6 million dollars during that time and they were in Tucson. He said JobPath resulted in a decrease in public assistance program expenditures. He said prior to completing their training, many of the participants were receiving various types of public assistance, but they no longer were. He said that during the past three years, JobPath graduates generated a return on investments to the community, of over two dollars in new wages for every dollar of public taxpayer expenses. He thanked the Mayor and Council and urged them to consider JobPath.

Diane Wilde said she was a single mother and a lifetime Tucson resident. She said she also was an employee with Tucson Water's Operations and Maintenance (O and M) Division, a taxpayer and a registered voter. She said she used to love her job, giving it one hundred fifty percent, but now she wondered where the incentive was. She said she was present to appeal to the Mayor and Council three simple things while addressing the issue of possible upcoming furloughs: truth, fairness and consideration. She said she was not only speaking on her own behalf, but also on behalf of her City of Tucson coworkers. She said during their monthly staff meeting, she and a coworker expressed an opposition to what they believed to be an unnecessary expense. In response, their Management Assistant informed them that Tucson Water did not have budget issues, according to a memorandum sent out by their Director. The Management Assistant explained the only reason the Water Department was being subjected to and included in the proposed furloughs, was for the good of the entire City, and not that the Water Department was short on their budget.

Ms. Wilde said after they expressed opposition to the expense, the Management Assistant said to move forward with an order. Ms. Wilde was directed to "go ahead with ordering the three scanners; four hundred and fifty dollars is not that much, when you consider how large our budget is." She said four hundred and fifty dollars in her world was just barely over three days of pay, which was three days of furloughs that could be saved. She said she wondered if there were other departments or divisions being run with the same frivolous attitudes, and if so, would it be fair to assume that it was not the essentials that were being considered by management and their directorial staff when addressing the budget shortfall issues. She questioned, if the Water Department budget, was in fact, not an issue in the overall City of Tucson budget deficit, then why were the water utility taxes and rates being increased. She asked why the extra funds from Tucson Water were not being distributed to the City of Tucson's general fund to save everyone from the proposed furloughs. She said, additionally, the budget contradiction contributed

to what had already become a low morale among Tucson Water's O and M employees over the past four to five years. Resentment had escalated, and morale could not get any lower.

Ms. Wilde said that City Administrative Directives were being used as a tool for retaliation and intimidation, and double standards were a common practice. She said favoritism and accusations of favoritism ran rampant, and she would be happy to elaborate for any of them personally and privately. She said underhanded and sometimes questionable business practices had directly affected their division's budget, to include the implementation of newly created management positions, which they did not previously have. She said those were imposed upon Tucson Water's O and M, in an effort to absorb employees from other departments who had not been able to return to their original or previous jobs within other departments due to Civil Service hearings such as in the "buddy punching" issue. She said there were two management positions created to cover one retired superintendent position. One of the two positions was originally implemented as a Staff Assistant position, but with the discovery that the Staff Assistant could not provide supervision over other employees. She said one year ago, that position was reclassified to a Management Assistant position, providing the "new incumbent" an increase in pay, while the rest of them went without merit increases and Cost of Living Adjustments (COLAS). She questioned how fair that was.

Ms. Wilde said, since submitting their budget-cutting suggestions through the Intranet site was not anonymous, which she had preferred, she figured she would make it public for all. Ms. Wilde said her budget-cutting suggestions were to remove the costly fluff of the excessive middle management in all departments and divisions. She said she had very serious fears and concerns that she may be retaliated against and had seen it happen to others. She said she would not be addressing the Mayor and Council that evening if she had not felt she had no other choice. She said she had attempted to speak with her administrator about those concerns, whose response was the Management Assistant was free to do what she wanted, as she was the manager. Ms. Wilde was also warned to be careful about not crying, "wolf." She said she was not crying "wolf," but was crying "foul." She said administration was enabling their management to spend unnecessarily, whether for the good of the City as a whole; or not. She said, in conclusion, with the acquisition of two additional management positions to cover attrition from other departments, the reclassification of an Assistant Manager position added to the overall Tucson Water O and M operating costs, yet the hourly employees were expected to sacrifice for the good of the City by accepting unpaid furloughs. She asked the Mayor and Council where the fairness was, what the incentives were, and whether salaried managerial staff would be subjected to the proposed furloughs as well.

James Blair, Associate Artistic Director of the Invisible Theater, said he was present to speak about funding for the Arts. He reminded the Mayor and Council that funding for the Arts was returned many times over the original investment, and was a great investment for the whole community. He said Arts funding created a City that was vibrant with the possibilities that attracted not only visitors, but retirees, families, and businesses, that were all attracted by a rich culture. He said funding for the Invisible

Theater that they received through the Tucson Pima Arts Council, had enabled them to present a diverse selection of world class artists to the community and to specific populations within the community, that they could not have done otherwise. He urged the Mayor and Council to enact a surcharge as a dedicated funding source for the cultural development of Tucson, because, in the end, it was actually funding the complete development of Tucson.

Rachel Leffall, Tucson Metropolitan Chamber of Commerce, said she wanted to speak on behalf of the Chamber of Commerce, which represented over two thousand businesses in the Tucson metropolitan area. She said the Chamber was opposed to the proposed tax on services in the City and they wanted to express that.

Carl Willcoxson said it sounded like the people from the Arts community wanted the City to keep growing and growing, and he did not know if everyone was on board with that idea. He said there were limitations on water, which he thought a lot of people might have indicated. He said there was a big problem with substandard housing, and the level of service between homeowners and renters was drastic. He said to receive service in an apartment, sometimes one had to threaten to call the media, or threaten the Tucson Police Department that the media would be called, in order for Tucson Police to respond to a drug call. He said some of the Mayor and Council wanted to squeeze the poor, elderly and students out of the little they had. He asked if any of the Mayor and Council lived in rentals, and said if they did, some of them would know, that people who lived in rentals had a lot to deal with. He said renters had to deal with crime, landlords who cheated them, and landlords who would not provide basic essentials like heating and air conditioning. There was very little security, and proper locks and windows were often not available. He said when calling the Drug or Gang Units, they would not return the calls. When calling Tucson Fire Department because of expired fire extinguishers, they would never respond. He said an attorney would never want to represent them; they would rather represent the property owner, knowing that was where the money was.

Mr. Willcoxson said the Mayor and Council needed to pay more attention to the neighborhood association meetings, like the Miramonte Neighborhood Association, which was located in Ward 6. He said there was a Miramonte Apartment Project Steering Committee, which was going around to apartment managers and trying to inform them who they should and should not rent to. He said that at the April 2, 2009 meeting, they were told that they wanted graduate students in the rentals and not undergraduates. He said the tenants were basically elderly or older homeowners and none were renters, outside of him. He said he asked them a few questions, which did not go over well, and went outside to get a pen, so he could write down the name of the person conducting the meeting. Upon his return, he was stopped by Council Member Trasoff's staff, and told he was being disruptive and making people feel uncomfortable and was not welcomed to go back in. He said it appeared to him that the meeting was set up for the wealthy homeowners, not lowly renters, with their quite different perspectives. He said they would like more exclusive communities like Carmel, Atherton, or Martha's Vineyard; instead, they lived in a hot, dusty former military outpost, and spent their time bullying the less fortunate. He said he was somewhat surprised that it happened in

Ward 6, after all, with the public relations coming out of Council Member Trasoff's office about how sensitive she was with her dance background and her love for the Arts and all kinds of different people. He said Council Member Trasoff was talking the talk, but not minding the store, and delegating too much of the business to her staff.

Betty Villegas said she was representing the Arts, and was a board member for TPAC. She thanked the Mayor and Council for supporting the Arts and hoped they would continue to show that support. She said she heard a gentleman speak earlier about what a great opera and symphony Tucson had, but Tucson also had great cultural groups, as well. She was a native Tucsonan and was very much a part of the first youth mariachi that was formed in Tucson and said they were proud of that group and Mayor and Council should continue to support them. She said they also had the first International Mariachi Conference, which was also important, and it was an economic development driver as well. She thanked the Mayor and Council and said she hoped they would consider the one-dollar surcharge, because she understood it would not affect taxpayers. She said when she visited other communities and stayed in their hotels, she did not mind paying the tax, because she enjoyed their cities, and felt Tucson should have that same opportunity.

Alexander Monarrez-Maldonado thanked the Mayor and Council for giving all of them the opportunity to speak. He asked the Mayor and Council to find programs to cut that would not affect children or the elderly. He said children needed every chance to succeed and compete in what would some day be their world. He said the elderly had earned the right to live a comfortable life in their twilight years. He said he would be willing to pay whatever tax increases would be necessary so that children and the elderly would have a chance. He understood his bus pass would increase from twenty-eight dollars to thirty-five dollars and he also understood that low-income people would not be affected by the increases. He said he was in favor of the increase because that was the way it should be. He said it saddened him whenever he heard a child had no school supplies, nor a winter coat for school. It especially saddened him whenever he heard of an elderly widowed woman going hungry the last two days before her monthly check was in the mail or deposited. He said children and the elderly were the two most important people the programs needed to continue to help and serve. He said the task before the Mayor and Council was difficult, but that was the reason they were elected into office, to make the difficult decisions. As a taxpayer, he was willing to follow their lead. He asked the Mayor and Council, when they worked on the budget, to place themselves in the shoes of people who would be affected, and ask themselves if someone could actually live their lives with the cuts, and to only consider programs for children and the elderly as a last resort.

Mr. Monarrez-Maldonado asked the Mayor and Council to not cut too deep into Access Tucson or public access television. He said he currently hosts a show entitled "The Latino Doctrine," where he showed Latinos their side of the many issues that affected them as Americans. He said Access Tucson allowed many of them to produce television programs, which many of them would probably never have the chance of producing in today's television market. He said in return, many of them volunteered

their time as they worked cameras, floor crew, or anything that any show might need. He said volunteering their time for Access Tucson was the least they could do to help further public access television and show how serious they were about public access television. He asked Mayor and Council to think about the children and elderly during the budget cuts and thanked them for listening and allowing everyone to speak.

Richard DeBernardis, founder of El Tour de Tucson, said El Tour de Tucson had become one of the three largest economic impact activities in the community. He said their police expenses had increased. He said last year's police expenses went from seventy-five thousand dollars to one hundred-fifty thousand dollars, of which the portion for the City of Tucson went from sixteen thousand dollars to thirty-one thousand dollars. He said from the time the City began funding them, they had received direct funding. He asked the Mayor and Council to consider keeping it direct funding, as opposed to in-kind funding. He said the reason was that with in-kind funding, they would receive fewer police officers because they would have to pay additional expenses, such as social security and employment taxes. He said by allowing them to receive direct funding, it allowed them to hire more police officers. Mr. DeBernardis said they would be receiving funding again from Pima County, which would remain direct funding rather than in-kind. He said he appeared before the Town of Oro Valley and it took them ten years to realize they should have been providing direct funding, opposed to in-kind. He said it cost the Town of Oro Valley thirty-one thousand dollars of in-kind support last year, but they have since calculated they could provide thirteen thousand dollars in direct funding and get the same amount of support. He asked the Mayor and Council if they would reconsider and keep the direct funding, rather than in-kind funding. He said they appreciated the continued support and would continue to do their best in keeping the economy moving.

Holly Winter, Ward 6 resident and member of the Miramonte community, said she was present to speak about the rental tax, which some members of the Mayor and Council were not in favor of. Renters paid taxes like homeowners did, it was written into their rental fees. She said now they would have a "double dip" of a new tax and she had a problem with that. She said she had been a member of the community for thirty-five years, and her husband had served in the ministry, not a "mega church," so living on Social Security meant very little since he was not serving a "mega church." She said her apartment community had many university students and the students would have an enormous fee next year. She said they had a problem living on so little, receiving social security, and being on medication. She said she hoped the Mayor and Council would strongly reconsider the rental tax and she did not see the fairness of it, especially for the elderly senior citizens, who were mostly women.

Jeffrey Glebocki, said he was a new board member of the Tucson Pima Arts Council, the City's designated Arts and Culture Development Agency. He said they knew it was an extremely difficult time for the Mayor and Council in wrestling with the difficult budget decisions. He said at a time like they were in, it was important to keep the big picture in mind, as outlined in the Pima Cultural Plan that the City of Tucson helped create. He said a few numbers to quantify some of the comments they heard

earlier in the evening were that almost twelve thousand people were employed in Pima County's creative sector. He said the sector had actually been growing faster than overall employment in the County. He said many of those jobs were within what was called living-wage range. He said Americans for the Arts, a national arts organization, stated that spending by the non-profit arts sector in the County generated over thirty million dollars in household income, 26.7 million dollars in event-related spending, over nine hundred thousand in yearly attendance, over 2.5 million dollars in local government revenue, and 2.7 million dollars in state government revenue. He asked the Mayor and Council to support the City's commitment to arts and culture, and not to end the City's support. He asked the Mayor and Council to support the bed surcharge proposal that was in the draft budget, a mechanism to support arts and culture in Tucson, which did not impose any additional tax burden on residents of the City or the County. He asked them to support TPAC's role as the City's designated Arts and Culture Development Agency, so they could continue working to sustain the economic and community impact of the arts in Tucson. He said he acknowledged the difficult job that the Mayor and Council had in front of them, and asked them to stand in support of arts and culture in Tucson.

Daniel Pfeifer said he was a twenty-seven year City employee and it was his understanding that there was not a budget shortfall. He said what created the shortfall were pet projects, wish lists, and items that the City paid for, but did not directly affect the infrastructure of the City, the core items the City was supposed to take care of. He said those core items were water, streets, lights, police and fire, parks workers, libraries, and assisted programs for the elderly and children. He said he addressed the Mayor and Council at the first budget public hearing, regarding the wastefulness of the Water Department, specifically the Operations and Maintenance Division, where they were responsible for making sure every one had water, in spite of the stupidity of the current management. He said he used the word stupidity because, as workers and taxpayers, they were being retaliated against when they informed management that they were throwing away millions of dollars and it was not working. He said there was a computer program called Synergen that cost millions of dollars, and he asked the Mayor and Council to picture a world where everyone else used Microsoft Excel, and they used Microsoft Word. He said the Utility Technician program provided a substandard worker, promoted favoritism and unfair practices, and was also a waste of money. He said they had a Five Star Safety Program and there was a fine line between stupidity and safety. He said the Five Star Programs crossed it and asked someone to explain to him why they needed to cover bollards with protective plastic covers.

Mr. Pfeifer said they wasted millions of dollars on contractors; if they had to constantly contract something out, then they should create a position for it, because a smart business paid itself, so the money would stay within the system. He said it was his understanding that the City had paid almost five hundred thousand dollars for a contract out of California for labor costs to maintain some well engines in Oro Valley. The contract did not include parts, and if it was not in the contract, they would get paid one hundred dollars per hour, where Tucson Water had two mechanics who did Synergen, five days a week, eight hours a day. He said they wasted about one-half million to one million dollars in positions created by Synergen, and it was the wrong program. He said

now, the Mayor and Council wanted to raise the water tax. He said the community was asked to conserve and Tucson Water was the largest on wasting water by not maintaining the systems correctly and not repairing leaks for over a year. He said all one had to do was review the Synergen work orders and it would show Tucson Water had leaks that had been leaking for over a year. He said the taxpayers were conserving water and now the Mayor and Council wanted to increase the water rates, under the façade that the City needed to increase revenue and charge Tucson Water areas, taxes on properties.

Mr. Pfeifer said he purchased items for the City and they never got taxed; he did not know how it worked for property, but it seemed shady to him. He said to address the budget, the City was attacking his medical benefits, hours, and retirement. He said the City wanted him to contribute more to his retirement and said he would not make it to retirement. He said the City was also attacking the one hundred-percent benefit his spouse would receive, and would only give her forty-percent, and he said he had a problem with that. He said there was a lot of bad blood within the City. He said the Human Resources Department and the Mayor and Council kept placing people with bad ideas in positions of authority and it was killing them. He said there was the “us” and “them” attitude, depending on what side one was on. It was supposed to be “we” and he felt they were not working together. He said his understanding of the reason certain people were subject to furloughs was that there was a higher fatality rate for construction workers than there was for public service positions, and he said that the most dangerous positions were miners. He said that leaders were born and not made, and leaders made the sacrifice for their people. He said the sacrifice that needed to be made was that anyone employed with the City of Tucson should not earn more than one hundred thousand dollars a year, because they were public servants and they should not do the job to become rich.

Rome Hamner, Odaiko Sonora, Southern Arizona’s premier Japanese Drumming Ensemble, said her organization was one of Tucson’s leading medium-sized performing arts organizations, and she was there to voice her support of the City’s continued commitment to funding arts and culture. She encouraged the Mayor and Council to support the bed surcharge proposal in the draft budget. She said the increased surcharge would not impose any additional taxes on City of Tucson or Pima County residents and the fee it imposed on visitors was negligible. She said one dollar per night was a small price for a visitor to pay for the rich artistic and cultural activities available in the City. She said no vacationer would choose Albuquerque over Tucson, because of Tucson’s one-dollar bed tax; however, that same vacationer would choose Albuquerque over Tucson, if Albuquerque had a Balloon Fiesta and Tucson Meet Yourself died because of a lack of public funding. She said art organizations were small businesses that employed thousands of Tucsonans, and brought hundreds of thousands of dollars through the local economy. She said art audiences dined out before performances, paid for their parking, and engaged in other complimentary activities. She said the arts were critical to the community’s economic well-being and quality of life. She said that TPAC had served as a responsible custodian of the City’s monies for arts and culture for many years. She said they re-granted public dollars using a sound metric based on artistry, organizational capacity, and community impact, and had proven a capable ally for both the City and for

local artists, and she supported TPAC as the City's designated arts and culture development agency.

Ms. Hamner also spoke on behalf of Our Family Services. She said like most performing artists, she held a day job, which was with Our Family Services. She said as an Our Family Services employee, she was intimately familiar with the mediation program and the important funding the City provided for that program. She said Our Family Services' mediation program built better communities by teaching neighbors to talk to one another, and it saved the County and City money by giving people an alternative to going to court when they were unhappy with their neighbors. She said, as someone who made an awful lot of noise, very frequently, she was glad to know that Our Family Services' mediation program was there, if her neighbors ever got tired of her drumming.

Bennett Kalafut said he rented a property where the scientists and doctoral students in the neighborhood were reflected in the property value. He said his landlord paid property taxes to reflect that, and that property tax was then passed on to him, in his rent. He said he indirectly paid the same taxes that homeowners paid, in his rent, and he was paying his fair share. He said to impose a rent tax on him, would be imposing a double tax. He said ability to pay was poor rationale for a tax. It must be asked whether it was fair, and whether it was necessary. He said a double tax was never fair and the Mayor and Council had not made the cuts to show that it was necessary. He said when the scope of Tucson government was cut back, not the size, but the scope, was cut to 1980's or 1955 levels, and when they were being run as a lean contract City-type government, then the Mayor and Council could argue it was necessary to raise their tax. He said until that happened, the Mayor and Council needed to stop considering whether someone else could afford it or not. He said he had many good causes he would like to support, and he could take money from someone else to support his causes, and they could do that all around the room. He said they needed to have the reasonable criteria of fairness and necessity, and neither of those had been met.

David Johnson said some of them knew he had been with Tucson Pima Arts Council for a while and was involved with public art. He said he was speaking as a private citizen, and admitted to being a culture monger. He said he lived downtown where he could walk to the museums, performing arts venues, and alternative gallery spaces. He said Tucson had a wonderful downtown, with a lot of potential. He wanted to speak on the issue of the potential for promoting the arts with the second dollar surcharge. He said it was very short-sighted of anyone in the hospitality industry to oppose the mechanism for bringing funds to the community to promote culture. He said to look at the great cities of the nation, whether it be New York, San Francisco, Chicago, New Orleans, Charleston, Austin, or Santa Fe. The great tourist destinations of the nation were the great, rich, and cultural cities. He said some of those cities were endowed with spectacular, beautiful, and natural attractions. He said others had to build attractions in their cultural institutions and opportunities, but Tucson had both. He said Tucson had a beautiful natural environment and great climate, and it was up to them to build, support,

and nurture the cultural institutions. He said Tucson was not a large city, but was an extraordinarily rich cultural community.

Mr. Johnson invited the Mayor and Council to the Lumies Awards, an annual event that TPAC sponsored. He said TPAC was not a presenting organization, but they promoted the activity to recognize the artists and arts organizations that enriched their lives, attracted artists to their cities, and made them want to stay and help attract visitors. He asked the Mayor and Council to attend the event and said they would see how difficult it was to choose who, among the artists and arts organizations, were deserving of their support and the Mayor and Council would find that there were multiple. He thanked the Mayor and Council for their efforts to resolve and deal with the challenges in difficult economic times and said they hoped for continued support of the arts community.

Vonderlear Johnson, said she was a two-time World Trade Center survivor, receiving disability benefits and treatment for severe post-traumatic stress disorder. She said she lived in the Tanglewood Apartments and chose to live there, because it was a safe neighborhood, was convenient for transportation and within walking distance to CODAC East, where she received treatments from her psychiatrist, therapist, and case manager. She said Social Security automatically deposited into her bank account one thousand, three hundred forty dollars, after her Medicare Part B deductions, which amazingly disqualified her for food stamps and AHCCCS. She said after she paid for rent, telephone, Medicare Part D and cable for the month, she was left with four hundred forty-three dollars and ninety two cents, or fourteen dollars and eighty two cents per day to live on. She stated out of that amount she must buy food, toiletries, health care and household items, and, if she were to get sick and had to visit a doctor, also a co-pay. She said she read on the Internet that the Mayor and Council was considering lowering the sales tax to one percent. She said if the City could go from two percent to one percent, then tax could go to zero percent. She stated she could not afford the sales tax even if it was just a penny.

Ms. Johnson said she grew up in the 1960s, the age of protests, demonstrations, marches, sit-ins and boycotts. She said if the Council passed the rental tax she promised to live up to her generation's reputation by boycotting any applied rental tax and just paying the rent per her legal lease with her landlord. She asked the Council if they would have a severely mentally ill person evicted, arrested, or sued for unpaid taxes. She said the Internal Revenue Service was first in line for that. She challenged each member of the Council to walk in her shoes and live on fourteen dollars and eighty-two cents a day for the rest of the month.

It was moved by Council Member Leal, duly seconded and carried by a voice vote of 7 to 0, to close the Public Hearing.

Mayor Walkup announced that the third and final public hearing on the proposed budget would be held Tuesday, June 9, 2009.

10. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 242, dated May 5, 2009, was received into and made part of the record. He asked the Chief Deputy City Clerk to read Ordinance 10662 by number and title only.

Ordinance No. 10662 relating to zoning: amending zoning district boundaries in the area located on the west side of Pantano Road, extending from 500 feet to 1100 feet south of Escalante Road in Case C9-07-03, HSL Properties – Pantano Road, SR to P; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10662.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Ordinance 10662 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-07-11) GAUL – STEFAN ROAD, SR TO RX-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 243, dated May 5, 2009, was received into and made part of the record. He asked the Chief Deputy City Clerk to read Ordinance 10663 by number and title only.

Ordinance No. 10663 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Harrison and Stefan Roads in Case C9-07-11, Gaul – Stefan Road, SR to RX-1; and setting an effective date.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Ordinance 10663.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Ordinance 10663 was declared passed and adopted by a roll call vote of 7 to 0.

12. ZONING: (C9-09-01) SUNSET RANCH – SILVERBELL ROAD, R-1 TO C-1, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 244, dated May 5, 2009, was received into and made part of the record. He also announced this was a request to rezone property located on the east side of Silverbell Road, northwest of Grant Road. The Zoning Examiner and staff recommended authorization of the rezoning, subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

A member of the audience indicated agreement with all the conditions.

It was moved by Vice Mayor Romero, duly seconded and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

13. MASTER DEVELOPMENT AGREEMENT: WITH GARFIELD TRAUB DEVELOPMENT ARIZONA, LLC AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE SHERATION TUCSON CONVENTION CENTER HOTEL

Mayor Walkup announced City Manager’s communication number 250, dated May 5, 2009, was received into and made part of the record.

Deborah Rainone, Chief Deputy City Clerk, announced staff requested this item be continued to the Mayor and Council meeting of May 12, 2009.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager’s communication number 235, dated May 5, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7 to 0, to approve the appointments of Robert Druckenbrod to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment, and Judy Burns and Margot Garcia to the Environmental Services Advisory Committee.

Mayor Walkup asked if there were personal appointments to be made.

There were no personal appointments.

15. ADJOURNMENT: 8:35 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on May 12, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 5th day of May 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:lh